

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Tony M. Pearce

Serial No.: 10/775,043

Filed: February 7, 2004

For: SCREED MOLD METHOD

Confirmation No.: 8980

Examiner: L. Tentoni

Group Art Unit: 1732

Attorney Docket No.: 3388.01-9389US

VIA ELECTRONIC FILING

May 4, 2009

STATEMENT ESTABLISHING UNINTENTIONAL DELAY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Tony M. Pearce, do hereby attest as follows:

1. I believe I am the original and first inventor of the subject matter which is claimed and for which a patent is sought for the invention described and claimed in the Application identified in the header above (hereinafter "this Application").
2. I appointed Daniel P. McCarthy (Reg. No. 36,600), Jon C. Christiansen (Reg. No. 30,039), Lloyd W. Sadler (Reg. No. 40,154), Everett D. Robinson (Reg. No. 50,911), and William J. Stilling (Reg. No. 53,640) as my representatives and attorneys (hereinafter "my previously appointed representatives") to prosecute this Application and to transact all business in the Patent and Trademark Office in connection therewith.

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3. Prior to March 2, 2009, I have been receiving all correspondence and other information regarding this Application from and through only Daniel P. McCarthy.
4. I was not informed by Daniel P. McCarthy, or by anyone else prior to about March 2, 2009, that the Patent Office had mailed an Office Action on the merits of this application on October 12, 2006, and that the Patent Office had mailed a Notice of Abandonment on June 8, 2008.
5. I was unaware at any time prior to about March 2, 2009, that any outstanding prosecution was not being dealt with wholly and completely by Daniel P. McCarthy and his associates under his direction.
6. When I had not heard from Daniel P. McCarthy regarding this Application and other matters being handled thereby for some time, I attempted to contact Daniel P. McCarthy to inquire of the status of these matters.
7. From about October 31, 2008, until about March 5, 2009, every effort was made to contact Daniel P. McCarthy to determine the state of matters including this Application being handled by Mr. McCarthy and his associates. At one point, my secretary was able to speak to Mr. McCarthy, and I am informed that Mr. McCarthy told her that he would call me. He did not call, as I believed he would. I have been unsuccessful in reestablishing any communication with Mr. McCarthy.
8. On or about March 2, 2009, I sought new representation for this Application.
9. I have appointed the practitioners associated with customer number 24247 to act as my representatives and attorneys to prosecute this Application and to transact all business in the Patent and Trademark Office connected therewith.
10. On or about March 2, 2009, I was informed by J. Jeffrey Gunn (Reg. No. 56,957) that a Notice of Abandonment had been sent on June 8, 2007 for failure to respond to an Office letter mailed October 12, 2006.
11. I was never informed by my previously appointed representatives that prosecution of the application was not being handled in a full and complete manner.
12. I never received any communication from the United States Patent and Trademark Office either directly or indirectly through my previously appointed representatives indicating

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that prosecution was not being diligently and completely handled by my previously appointed representatives.

13. I (acting as an individual inventor or as an authorized officer of any Assignee of this Application) did not intentionally abandon this Application.
14. The entire delay in filing the reply to the Office Action mailed October 12, 2006 from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,



Tony M. Pearce

Date: May 1, 2009
JJG/jm